REMARKS

Claims 1 – 18, 22 and 38 were previously cancelled. Claims 19, 21, 25, 27 - 30 and 32-34 are amended herein. Claims 19 – 21, 23 - 37 are pending in the application.

Applicant respectfully requests allowance of the present application in view of the current amendments and following remarks.

Support for the amendments can be found throughout the specification, as amended, including FIG 2 and paragraphs [0009], [0010], [0012], [0024], [0033] – [0034], and [0037] - [0039]. No new matter has been added.

Claim Objection

Claim 34 is objected to because of an informality which Applicant has corrected according to Examiner's suggestion. Accordingly, Applicant requests that the objection be withdrawn.

Response to Rejections:

Claims 19 – 21, 23-25, 28, 29, 31, and 35 - 37 are rejected under 35 USC 103 as being obvious over U.S. Publication 2002/0078065 to *Agulhon* in view of *Carpentier* (WO 01/18633). Claims 26, 27, 30 and 32 – 34 are rejected under 35 USC 103 as being obvious over *Agulhon* in view of *Carpentier* and further in view of *Lenz* (6029196). Applicant respectfully traverses these rejections.

To establish *prima facie* obviousness of a claimed invention, all words in a claim must be considered for judging the patentability of the claim against the prior art. Applicant has amended claim 19 to more clearly emphasize the patentable aspects of the invention and requests withdrawal of the rejections in view thereof.

Specifically, amended claim 19 includes in relevant part (emphasis added):

"...wherein the **first file** is stored in the storage
and **includes the contents of one or more files arranged in
a nested manner in accordance with a portrayed file
directory structure within the first file itself** for
addressing contents of the first file in a hierarchical
manner;
   wherein the portrayed file directory structure
operates as a file directory structure for the apparatus
without using a separate descriptor file to define the file
directory structure or a separate local file directory
structure on the apparatus; ..."

The amended claim first shows that a single main file (the first file, see XML file 11 in Fig. 2) contains the contents of the one or more files within it and further it has its own file structure within it for these contained file contents arranged as a "portrayed" file structure (see structure 12 in Fig. 2). This single main file with the contents therein is used without a descriptor file (as in *Agulhon*) and when the apparatus has no physical local file structure of its own. Moreover, since the actual contents of the files are contained in the "portrayed" file structure, these contents can then be addressed hierarchically by following the hierarchical address using the characteristic start symbols (rather than unpacking and using a descriptor file to re-create a file directory on the apparatus as in *Agulhon*).

Applicant submits that *Agulhon* alone or in combination with *Carpentier* does not describe or suggest a single main file (the first file, see XML file 11 in Fig. 2) that contains the contents of the one or more files within it and further having its own file structure within it for these contained file contents arranged as a "portrayed" file structure (see structure 12 in Fig. 2). This single main file with the contents therein is used without a descriptor file (unlike *Agulhon* which requires a descriptor file, See Fig. 4, step 36 and Fig. 5 step 68). *Agulhon* describes a file object having functions in the header and data in the body, wherein the header functions include

"Get Environment" that gets the directory information from the descriptor file and also the install data function that unpacks the directories and files from an archive file. This method and arrangement in no way describes or suggests that of the present claims.

Similarly, *Carpentier* describes a "descriptor file" 300 (see FIG. 5 and 6A). Although the "descriptor file" appears to be arranged hierarchically with folders (folder name, attributes) and nested file names (file name, attributes) using <hfml>, the descriptor file itself does not contain the actual file contents as in the present claims. It merely provides a picture of the structure layout with additional metadata and attributes but cannot be used in lieu of a physical file structure. Instead, the "descriptor file" of *Carpentier* is used to locate and retrieve remote files and their contents stored somewhere else (for security/encryption purposes, etc.).

Lenz fails to remedy the shortcomings of *Agulhon* and *Carpentier*. Accordingly, without conceding the propriety of the asserted combination, since the references fail to teach or suggest the above-noted limitations, the Office has filed to establish a prima facie case of obviousness, because the Office does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

Moreover, both *Agulhon* nor *Carpentier* teach away from the present invention by using descriptor files. Further, neither can be modified to operate as the present invention as claimed. Specifically, if the file contents were placed in the "descriptor file" itself, it would defeat the purpose of *Agulhon* and *Carpentier* of having a separate descriptor file. Moreover, there is nothing in *Agulhon* and *Carpentier* or the other references of record to suggest the features of the present claims. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Moreover, for at least the reasons discussed above, Applicant respectfully submits that all of the dependent claims, including claim 37, are also patentable at least based on their

dependence from claims 19 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections and timely pass the application to allowance.

Conclusion

Based on the above amendments and the remarks provided, all of the claims are believed now to be allowable and the application to be in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/9/2010   By: _Tina Gonka_

Tina Gonka
Limited Recognition No. L0623
(407) 736-4005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830